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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,649	07/16/2003	Gordon S. Hewitt	024.0007	1037

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EXAMINER

PIZIALI, JEFFREY J

ART UNIT PAPER NUMBER

2629

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/621,649	Applicant(s) HEWITT ET AL.	
	Examiner Jeff Piziali	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/8/05, 3/17/06, and 6/9/06.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
4a) Of the above claim(s) 1-10 and 17-23 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 11-16 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 08 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicants' election of Invention II (i.e. Claims 11-16) in the reply filed on 17 March 2006 is acknowledged. Because applicants did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 1-10 and 17-23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 17 March 2006.
3. Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Drawings

4. The drawings were received on 8 December 2005. These drawings are acceptable.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 11-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Kakizawa (US 6,580,556 B2).

Regarding claim 11, Kakizawa discloses a method [Fig. 1; 10] of producing a stereoscopic image of a scene on a stereoscopic display [Fig. 1; 12a, 12b] for an observer [Fig. 1; A, B], the method comprising the steps of: obtaining at least two video signals [Fig. 2; 18a-18d] of the scene; processing [Fig. 3; 20] the at least two video signals to generate stereoscopic image data; displaying the stereoscopic image on the stereoscopic display; and obscuring [Fig. 2; 14] at least a portion of the stereoscopic display from the observer with a mid-window [Fig. 2; 16] (see Column 1, Line 45 - Column 2, Line 50) to thereby prevent frame violations in the stereoscopic image (see Fig. 4; Column 3, Lines 1-28).

Regarding claim 12, Kakizawa discloses the stereoscopic display comprises left [Fig. 2; 12b] and right [Fig. 2; 12a] modules having a display convergence point [Fig. 1; 16] corresponding to the intersection of centerlines projecting from the left and right modules (see Column 1, Line 45 - Column 2, Line 16).

Regarding claim 13, Kakizawa discloses the processing step comprises generating a focus point [Fig. 1; A, B] for the stereoscopic image that is distinct from the display convergence point (see Column 1, Line 45 - Column 2, Line 16).

Regarding claim 14, Kakizawa discloses each of the at least two video signals is produced by one of a plurality of cameras [Fig. 2; 18a-18d] (see Column 2, Lines 17-40).

Regarding claim 15, Kakizawa discloses the plurality of cameras is configured with a convergence point [Fig. 2; 16] for the at least two video signals (see Column 2, Lines 17-40).

Regarding claim 16, Kakizawa discloses the convergence point [Fig. 1; 16] is located closer to the plurality of cameras than a closest object [e.g. the user] appearing in the scene (see Column 2, Lines 17-40).

Response to Arguments

7. Applicants' arguments filed 8 December 2005 have been fully considered but they are not persuasive.

The applicants contend the cited prior art of Kakizawa (US 6,580,556 B2) neglects teaching "the elimination of frame violations in the stereoscopic image" (see Pages 10-11 of the 'Response and Amendment Pursuant to 37 C.F.R. § 1.111' filed 8 December 2005). However, the examiner respectfully disagrees. Kakizawa expressly discloses,

"Software 36 on the system 10A directs the cameras 18a and 18b to capture frames as indicated in block 45. Those frames may be compressed as indicated in block 46 and transmitted to the system 10B as indicated in block 48. A check at diamond 50 determines whether or not frames have been received from the system 10B and its cameras 18c and 18d. If so, those frames are decompressed and sized as indicated in block 52. Thereafter, additional frames from the cameras 18a and 18b may be captured as indicated in block 54 in order to allow eye or face location analysis. In block 56, the location of the user's eyes is determined from the images from the cameras 18a and 18b. Software for locating facial features using pattern recognition analysis or other techniques is well-known. The cameras 18a and 18b are utilized in one embodiment but either camera from each system 10A or 10B may be utilized for this purpose. Thereafter, the left and right images from the cameras 18c and 18d of the system 10B are displayed on the display 12 associated with the system 10A as indicated in block 58. The frames utilized for eye location are then compressed as indicated in block 60 and sent to the system 10B as indicated in block 62" (see Fig. 4 and Column 3, Lines 5-28).

As such, Kakizawa clearly performs video frame processing. Kakizawa does not disclose any frame violations resulting from this video frame processing, therefore "frame violations" must inherently be prevented by Kakizawa. Additionally, the check at diamond [Fig. 4; 50] determines whether or not frames have been received from the system [Fig. 2; 10B] and its cameras [Fig. 2; 18c and 18d], before allowing those frames to be decompressed and sized as indicated in block [Fig. 4; 52]. In such a manner, Kakizawa teaches the prevention of frame decompression/sizing violations.

Furthermore, Kakizawa teaches "the software 36 in accordance with one embodiment of the present invention may enable a user participating in a video conference to move his or her head without losing the ability to view the stereoscopic image of the other participant" (see Column 3, Lines 1-5). Therefore, Kakizawa's viewing loss prevention qualifies as yet another manner of *preventing frame violations*, as instantly claimed.

By such reasoning, rejection of the claims is deemed necessary, proper, and thereby maintained at this time.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2629

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Piziali whose telephone number is (571) 272-7678. The examiner can normally be reached on Monday - Friday (6:30AM - 3PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jeff Piziali
14 August 2006



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